

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,
Plaintiff,

-against-

WALMART, INC. AND WAL-MART
STORES EAST, LP,

Defendants.

Case No. 20-1744-CFC-EGT

**STIPULATION AND ~~PROPOSED~~ ORDER AUTHORIZING
DISCLOSURE OF CENTERS FOR MEDICARE & MEDICAID SERVICES
AGENCY RECORDS**

The Centers for Medicare & Medicaid Services (“CMS”) and Defendants Walmart Inc. and Wal-Mart Stores East, LP, (together, “Walmart”) pursuant to the Protective Order (D.I. 88) in the above-captioned action (this “Litigation”), respectfully submit this Stipulation and Proposed Order Authorizing Disclosure of CMS Records.

WHEREAS, CMS maintains systems of records containing CMS prescription drug event data stored in the Medicare Integrated Data Repository, Health Plan Management System records, including for Medicare Part D, and program integrity data stored in the One Program Integrity Data Repository.

WHEREAS, Walmart served a subpoena on CMS on or about October 29, 2024, requesting certain agency records.

WHEREAS, CMS believes that the Privacy Act of 1974, 5 U.S.C. § 552a (the “Privacy Act”) requires an Order from this Court to permit the disclosure of agency records without prior written consent of the individuals to whom the records pertain, absent an applicable exception. *See also* 45 C.F.R. § 5b.9(b)(11).

WHEREAS, CMS and Walmart recognize that the requested agency records may require specific handling and designation under the Protective Order.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval of this Court and pursuant to the Court’s authority under Fed. R. Civ. P. 26(c), that:

CMS, its officers, agents, employees, and representatives are authorized to release to defendant’s counsel, or other representatives and to the Court in this Litigation, any records or information protected by the Privacy Act, the disclosure of which, absent an Order from this Court pursuant to 5 U.S.C. § 552a(b)(12) of the Privacy Act, could potentially constitute a violation of criminal and civil law. Such disclosures will be subject to the Protective Order (D.I. 88) entered on November 18, 2022.

/s/ Roger J. Gural
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Dated: June 18, 2025

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*Attorneys for Defendants Walmart Inc.
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SO ORDERED this 23rd day of Jun, 2025.


UNITED STATES MAGISTRATE JUDGE